

Approved, May 10, 2023

**SPECIAL PUBLIC MEETING
OF
THE TENAFLY PLANNING BOARD**

**MINUTES
February 8, 2023**

2023 Chairperson Wilmit called the meeting to order at 8:05 p.m.
The announcement was made regarding compliance with the Sunshine Law.

ROLL CALL

The secretary was asked to call the roll:

Voting members present: Mary Beth Wilmit, Nichole Osborne, Jon Warms, Dan Oelsner, Julia Park, Ted Nevins, Sima Mandelzis, Councilman Jeff Grossman and Mayor Mark Zinna

Voting members absent: Craig Feinberg

Others present: Jeffrey Zenn, Esq., David Hals, PE, and Linda Khorozian

OATHS OF OFFICE

Planning Board attorney Jeff Zenn administered the Oath of Office to the following Planning Board member into their respective position:

- Linda Khorozian, 2nd Alternate Member, Planning Board

Councilman Grossman stated that he listened to the recording and submitted his certification to vote of the December 21, 2022 Regular Public Meeting for the application of PB# 1-22-05, Soil Moving Application, 62 Churchill Road, Block 2102, Lot 5, Applicant: Ari Moses. Mr. Zenn noted that Mrs. Osborne, Mr. Oelsner and Mrs. Mandelzis did not listen to the recording, so they cannot vote on the application and were told they can stay for the hearing if they wanted to. Mr. Oelsner and Mrs. Mandelzis left the meeting at 8:11pm.

SPECIAL PUBLIC HEARING (CONTINUATION)

PB#1-22-05, Major Soil Moving Application
62 Churchill Road, Block 2102, Lot 5
Applicant: Ari Moses

Mrs. Wilmit stated that the application to be heard tonight was a continuation of 62 Churchill Road, Major Soil Moving Application, Block 2102, Lot 5, Applicant: Ari Moses.

Mr. Capizzi is the attorney for the applicant. He gave a brief summary of the application previously before the Board in December. The applicant is proposing a level grass play area to provide a recreational space for various activities in the rear yard of the property. The revised plans before the Board reflect conversations with the homeowner on Leroy Street to move the play area more towards the middle of the lot. A Tree Replacement Plan has been added to the application where seventeen (17) trees are to be removed and thirty-two (32) new trees to be added to the property. Variance relief would be needed for the disturbance of steep slopes and

for the retaining wall height. The new location of the play area would also increase the buffer around the surrounding properties.

Mr. Capizzi introduced Mr. Jan Meyer of Jan Meyer Law Offices, 1029 Teaneck Road, Teaneck, as the attorney for the neighbor on Leroy Street. Mr. Meyer stated he is representing Mr. Frank, the homeowner of 28 Leroy Street, Block 2102, Lot 33. He confirmed that conversations transpired to modify the application in order to preserve the trees and move the play area further away from his client's property line. Some of the concerns that will be brought to the Boards attention is that surface is not proposed, the term play area is too vague, the use of the lights around the play area and the height of the light posts. The Tree Replacement Plan is favorable for the environment and for everyone in the neighborhood.

Mr. Capizzi responded to Mr. Meyer's commentary stating they had a conversation that the pole height not being higher than eighteen (18) feet. Tree removal would be per the Tree Replacement Plan, where no additional trees would be removed. As for the terminology of the name of the area is because it will be used for multiple purposes and not dedicated for one sole use. The area will be either grass or some other kind of pervious surface that will allow use for multiple purposes.

Mr. Zenn asked Mr. Capizzi about the play area previously submitted versus what is currently proposed and about the retaining walls. Mr. Capizzi noted the dimensions and location on the property. The retaining wall now proposed will be forty (40) feet from the property line which will increase as you head southerly because the play area is on an angle.

Mr. Meyer stated that grass would be favorable surface, however they are not in favor for a hard surface playing area. Mr. Zenn responded that the testimony from the experts would need to be heard first before any further comments are to be made and the Board understands the concerns.

Mr. Capizzi called upon Michael Hubschman, Hubschman Engineering, P.A. to give his testimony. He previously gave his qualifications to the Board and was accepted as an expert in Civil Engineering and will remain under oath.

Mr. Hubschman summarized the previous plan and stated that the current plan has a revision date of January 20, 2023 showing that the play area has been relocated on the property and the increased buffer to the westerly side of the lot. The distance of the closest tree that will be removed is approximately sixty (60) feet from the rear property line.

The following exhibit was entered into the record:

- Exhibit A-2, Colorized Version

Mr. Hubschman described stated on the current plan that there would no import of soil, it would be cut and filled for evening out with grading of the soil. As for the light poles, Mr. Husbchman testified that they would be comply with the poles being no higher than nineteen (19) feet with the mounting height to be at eighteen (18) feet. The lights would be shielded so the light would not spill over to the adjacent properties and if approved, a lighting plan would have to be submitted for compliance.

As for the drainage, Mr. Hubschman described all components where seepage pits and catch basins were incorporated into the new design. The trees to be removed would be less than previously submitted which would also minimize soil erosion. It was also noted the types of trees to be added to the site from the Tree Compensation Plan to the Board, dated January 24, 2023 prepared by Tapestry Landscape Architecture. All of these changes would help the drainage and have minimum soil erosion from the site.

Mrs. Wilmit opened the meeting to the Board for questions about the testimony heard. Mrs. Wilmit asked for clarification of the total number of trees to be removed. Mr. Hubschmann stated the plans noted that eighteen (18) were to be removed from the property plus two (2) trees in the sewer easement. Mr. Warms asked about storm water runoff during construction. Mr. Hubschmann stated that there will be a permit from Bergen County Conservation and six (6) foot seepage pits will be added. Councilman Grossman asked for clarification of the minimum rear yard requirement on the zoning notes for the level grass play area. Mr. Hubschman stated that proposed number should be forty (40) feet to the wall. Mr. Nevins asked about the retaining wall safety. Mr. Hubschman stated a safety fence will be installed around the play area even though it is not required by code. Mr. Hals asked about the glare of the lights on surrounding properties. Mr. Hubschman stated they will shield the lights. There being no further questions from the Board, this portion of the meeting was closed.

Mr. Meyer inquired from Mr. Hubschman about storm water run-off and flooding. Mr. Hubschman indicated that the seepage pits and slope would produce less run off.

Mrs. Wilmit opened the meeting to the Public for questions about the testimony heard.

- Gal Davidovitch, 9 Mayflower Drive – Mr. Davidovitch asked about the trees to be removed and how they were going to access the site. Mr. Hubschman went through the different trees and stated the access would be from Churchill Road.
- Samuel Erlich, 11 Pilgrim Court – Mr. Erlich showed a photo and asked how they can take the trees down? Mrs. Wilmit responded that the Board understands his concerns.

There being no further questions from the Public, this portion of the meeting was closed.

Mr. Zenn called upon Mr. David Hals, the Board's Engineer to be sworn in and to give the Board commentary on the revised plan along with addressing the drainage. Mr. Hals explained the previous plans versus the current one being presented to the Board. The number of trees to be removed would be less, the steep slopes would have retaining walls to transition the grade. No soil will be taken off site, soil will be cut from one side and filled to the other. Soil erosion measures would be put in place, seepage pits would be included to collect run off water and this current plan would have less impact on the surrounding properties.

Mr. Zenn asked Mr. Hals asked if the drainage would be better. Mr. Hals stated it would be a benefit to everyone in the area.

Mrs. Wilmit opened the meeting to the Board for questions about the testimony heard. Board members asked about storm water drainage and seepage pits. Mr. Hals explained how the water overflow would happen and when the seepage pits would be connected to the storm drains. There being no further questions from the Board, this portion of the meeting was closed.

Mr. Zenn asked Mr. Capizzi if he had any questions of the testimony of Mr. Hals. Mr. Capizzi stated he did not have any questions for Mr. Hals. Mr. Meyer also stated he had nothing further.

Mrs. Wilmit opened the meeting to the Public for questions about the testimony heard. There being no further questions from the Public, this portion of the meeting was closed.

Mr. Capizzi stated that he did not have any further witnesses this evening.

Mr. Meyer stated that the applicant has not testified as to the surface or use of the area. The use of the lights around the play area. As for the tree removal, less is better, but none would be better.

Mrs. Wilmit opened the meeting to the Public for comment on the application. There being no further comment from the Public, this portion of the meeting was closed.

Due to all the testimony of the surface area, Mrs. Wilmit asked Mr. Hals if the applicant needs to commit to a specific surface for the play area other than it being pervious. Mr. Hals responded, no that there is nothing stated in the ordinance and the surface is up to the homeowner.

Mr. Capizzi stated that the jurisdiction of the Board was solely for soil movement. The previous application was fully conforming, however, they heard the concerns of the neighbors and presented revised plans. The current plan before the Board will be more costly to the homeowner to ensure less trees are removed and superior to the previous filed plan. Mr. Capizzi thanked the Board for their efforts this evening.

Mr. Zenn stated all the conditions that would be added to the resolution if the Board voted in favor of this application and noted that the applicant will have to comply with the Hals Engineering review letter of February 7, 2023.

A motion was made by Mr. Nevins and seconded by Mr. Warms to approve this application with the conditions stated by Mr. Zenn. Voting YES: Mrs. Wilmit, Mr. Warms, Mrs. Park, Mr. Nevins, Councilman Grossman and Mayor Zinna. Voting NO: None.

The next Planning Board Meeting is on Wednesday, February 22, 2023 at 8pm. A motion was made by Mr. Warms and seconded by Mrs. Park to adjourn the meeting at 9:08m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Amanda Booth
Planning Board Secretary